



State of Arizona
Department of Education

Tom Horne
Superintendent of
Public Instruction

MEMORANDUM

To: Superintendents, Principals, and Human Resources Directors

From: Jan Amator, Deputy Associate Superintendent, Highly Qualified Professions

Date: May 30, 2007

Subject: **Appropriately Certified Teachers**

The reporting requirements for NCLB Title IIA Highly Qualified Professionals have put an increased focus on Arizona certification statutes and codes. In addition, because a teacher has more options available to show content competence for NCLB than he/she does for certification, many teachers are finding themselves "highly qualified" but not "appropriately certified." This has caused frustration for all involved.

The Executive Director of the State Board of Education, the Assistant Attorney General, the Deputy Superintendent, the Associate Superintendent for Academic Achievement, and I have spent many, many hours looking for legal resolution of this situation. However, there is simply no way under ARS §15-533 such resolution is possible. Superintendent Horne plans to propose legislation next year that will better align certification and the NCLB highly qualified requirements by allowing either passing of the AEPA test or 24 semester hours in the content to be used for certification. However, until such time as the Legislature passes any such legislation, we are bound by the current regulations.

While the Arizona Department of Education is charged with monitoring compliance of Title IIA Highly Qualified requirements, we have no authority to impose sanctions for violation of certification rules. Although it is our expectation that all teachers are appropriately certified for their teaching assignments and all districts are working toward that end, there is nothing in either federal or state statutes requiring a teacher to lose his/her job based on certification. These decisions are strictly local ones.

We appreciate your patience and cooperation. As always, thank you so very much for all you do everyday for Arizona's students and educators. We will continue to keep you updated regarding our progress in solving this dilemma.